

**SHOREVIEW PLANNING COMMISSION
MEETING MINUTES**

February 24, 2009

CALL TO ORDER

Chair Proud called the meeting of the February 24, 2009 Shoreview Planning Commission meeting to order at 7:00 p.m.

ROLL CALL

The following members were present: Chair Proud, Commissioners Feldsien, Ferrington, Mons, Schumer, Solomonson and Wenner

APPROVAL OF AGENDA

MOTION: by Commissioner Schumer, seconded by Commissioner Feldsien to approve the agenda as submitted.

ROLL CALL: Ayes - 7 Nays - 0

APPROVAL OF MINUTES

The following corrections were made:

Page 1: Chair Proud should be listed as present at the January 27th meeting.

Page 4: The third paragraph of the Discussion section should state City Attorney Schmidt.

MOTION: by Commissioner Feldsien, seconded by Commissioner Schumer to approve the January 27, 2009 Planning Commission minutes as amended.

ROLL CALL: Ayes - 6 Nays - 0 Abstain - 1 (Mons)

Commissioner Mons abstained as he did not attend the January 27th meeting.

REPORT OF CITY COUNCIL ACTIONS

Presentation by City Planner Kathleen Nordine

The following matters were approved by the City Council:

Commissioners Proud and Wenner to serve respectively as Chair and Vice Chair;
Conditional Use Permit for Willow Creek Quik Stop with the modification of shielded lighting that will be on during after hours pay at the pump.

NEW BUSINESS**PUBLIC HEARING - TEXT AMENDMENT - ZONING MAP/CHAPTER 205**

FILE NO.: 2345-09-03
APPLICANT: CITY OF SHOREVIEW
LOCATION: CITY WIDE

Presentation by Senior Planner Rob Warwick

The City proposes to amend Section 205.010(A) of the Municipal Code and adopt a new zoning map that is consistent with the 2008 Comprehensive Plan. The new zoning map incorporates 20 amendments made since 2001, and proposes rezoning of 18 parcels from the UND District to the R1 Detached Residential District. The UND District is a holding district for properties that have potential for development. Public and utility uses are allowed in UND Districts, rezoning is required for other uses. There are currently approximately 60 properties in the UND District. The R1 Detached Residential District allows detached dwellings, public uses, residential facilities and home occupations. This is the largest zoning district in the City with approximately 6500 properties. Most of the 18 parcels proposed to be rezoned are located in the area of Lexington and County Road I. Nine of the 18 are designated Institutional in the Comprehensive Plan, and this use is guided for the R1 District. Four are designated Natural, with sensitive environment features, and are owned by the City. The five remaining properties are developed with single family homes and designated RL - Low Density Residential, a designation guided to the R1 District.

Notice of the public hearing was published February 11, 2009. Property owners within 350 feet of parcels less than 5 acres were sent notices of the proposal. There were numerous inquiries for more information, but no objections have been received. Staff is recommending that the Planning Commission forward the amendments to the City Council for approval.

Commissioner Mons asked for clarification on the history of 4772 Hodgson Road. Mr. Warwick explained that in 2003, the City imposed a moratorium on property along Hodgson Road south of Tanglewood Drive for a development study. The parcel at 4772 was included in that moratorium. When the moratorium expired, the area was designated in a Comprehensive Plan Amendment as a Policy Development Area (PDA), and the properties in the study area on the east side of Hodgson were rezoned UND, including 4772. When Whispering Pines was developed, the 4772 property was not incorporated into the development and so remained in UND zoning. Now it will be rezoned to its previous R1 status.

Chair Proud opened the public hearing.

Mr. Rick Tillman, 4772 Hodgson, stated that when he bought his house, it was zoned R1. He was unaware that the zoning was changed until now. He was not notified nor did he give his

permission. He is very concerned about taxes. Mr. Warwick stated that Mr. Tillman would have received a number of notices because there were several public meetings. There would have also been notices for the properties were rezoned back to R1 with the Whispering Pines development. He will check further and provide the specific information about Mr. Tillman's property to him.

Chair Proud stated that the Planning Commission cannot speak to taxes, but staff will provide him with specific information on the notices for the rezoning of his property.

Mr. Tillman stated that he would like the zoning corrected and filed with the County so there are no problems if he should sell the property. Mr. Warwick stated that there is no connection between City zoning and County land use codes. The County does not ask about zoning but has its own classifications.

Mr. Tom Stone, 5576 North Lexington, asked about the zoning changes on his parcel. Mr. Warwick stated that his property was in the UND District because of undeveloped land to the east where Park Place Drive is now located. Mr. Stone's property did not participate in the Park Place Drive development and so was not rezoned to R1 with that development. **Mr. Stone** asked if any easements or drainage will be changed. Chair Proud answered that nothing will be changed, only the zoning designation.

Mr. Todd Sharkey, 1003 North 5th Street, Stillwater, talked about Mr. Lange's property on Lexington north of County Road E. That property was not included in the rezoning proposed. It was changed to Natural on the City's 2008 Comprehensive Plan.

Mr. Warwick stated that Mr. Lange's property is not included in the application before the Planning Commission. Ms. Nordine added that there is an appropriate process to follow if the property owner wishes his property to be rezoned. City Attorney Schmidt agreed with staff that discussion of this property is not germane to the public hearing being conducted, and that the proper rezoning procedure should be used.

As Mr. Sharkey and Mr. Lange continued to try to discuss Mr. Lange's property, Chair Proud explained to them that this is not the appropriate forum to present their argument. This discussion is only on the properties identified. If Mr. Lange wishes to have his property rezoned, staff needs to be contacted so it can be put on the appropriate agenda.

Ms. Joan Hanson stated that she lives on Park Place Drive and asked what rezoning would be on the property at Lexington and County Road I. Mr. Warwick explained that the properties in that area will be rezoned from UND to R1. Parcels 6, 7 and 8 are publicly owned wetlands similar to other R1 properties in the area. **Ms. Hanson** stated that when work was done on Lexington, the water table was raised. Since that time, she and her neighbors have to use a sump pump because of water in the basements when it rains. That was not necessary the first 10 years she lived in her home. She wants to make sure the water table will not change. Chair Proud assured her that no construction is taking place.

Ms. Colleen Moore, stated that she lives 132 Southwood Drive and is concerned about the property at 180 County Road F and what kind of building might be built in an R1 District. Mr. Warwick stated that the church located there is considered institutional and is allowed in the R1 District. The most common use is detached single family residences. The south portion of that property has a drainage and utility easement, which would have to be vacated for further construction to take place on that property.

MOTION: by Commissioner Mons, seconded by Commissioner Wenner to close the public hearing.

ROLL CALL: Ayes - 7 Nays - 0

Commissioner Solomonson stated that it is hard to understand why a property that was once R1 was rezoned to UND in anticipation of a larger development and is now being rezoned back to R1 because that parcel was not part of the development. Commissioner Mons responded that no one knew at the time what specific properties might or might not be included in the larger development. This rezoning is really a housekeeping issue.

Commissioner Mons asked the reason for zoning the parcels on County Road I east of Lexington to R1 when they are not usable for single family lots. Mr. Warwick stated that no development is anticipated, but the Comprehensive Plan identifies them as Natural areas. Natural areas can be located in any zoning district, and R1 makes the most sense to match surrounding properties. Commissioner Mons suggested the City consider a zoning designation similar to Open Space used for County Parks property.

Commissioner Feldsien asked if there is any potential for future development on the parcels County Road I because of the fact that they are surrounded by R1 zoning. Mr. Warwick stated that the parcels are owned by the City because of the wetlands and the drainage functions those parcels serve in the area. There is little or no development potential because of the wetlands. Even if yards were extended on private property, permits would be needed from both the City and Rice Creek Watershed District. The City will maintain the intent of drainage and wetlands.

Commissioner Mons requested that the 18 parcels stated in the motion be referenced to the rezoning map proposed.

MOTION: by Commissioner Mons, seconded by Commissioner Ferrington to recommend the City Council approve the text amendment to Section 205.010(A) of the Municipal Code, adopting an Official Zoning Map, and rezoning 18 parcels from UND, Urban Underdeveloped to R1 Detached Residential District.

The recommendation is based on the following findings:

1. The proposed Official Zoning Map updates the map by including 20 map amendments that have been approved since April 16, 2001.
2. The Official Zoning Map will be consistent with the Land Use Chapter of the 2008 Comprehensive Plan by rezoning the eighteen parcels identified on the accompanying map, including 4772 Hodgson Road.

ROLL CALL: Ayes - 7 Nays - 0

PUBLIC HEARING – TEXT AMENDMENT – EROSION & SEDIMENT CONTROL ORDINANCE

FILE NO.: 2344-09-02
APPLICANT: CITY OF SHOREVIEW
LOCATION: CITY WIDE

Presentation by Senior Planner Rob Warwick

Current regulations for erosion and sediment control are found in a number of documents: Surface Water Management Plan (SWMP), National Pollution (NPDES), Surface Water Pollution Prevention Permit (SWPPP) and the Comprehensive Plan. The tool that implements the policies of these documents is Chapter 200 in the Municipal Code and the Development Code. It is proposed that existing regulations be modified in order to improve standards and create less impact on surface water quality as a result of land development. The following sections of the Code are proposed to be amended:

Section 209.040, Soils, Slopes and Grading:

This section has been revised in its entirety to follow requirements set by Minnesota Statutes. The new language includes definitions of terms and the requirement that sediment control plans conform to City Code and accepted practices as identified by the Minnesota Pollution Control Agency (MPCA). The Code will be consistent with applicable State Statutes for steep slopes and earth-sheltered construction. Practices and methods of erosion control appropriate to the site should be used. Standards are established for implementation, inspection, maintenance, management of construction waste and record keeping. Enforcement and penalties are included.

Section 203.035, Grading Permit:

Changes to this section are proposed to be consistent with Section 209.040. Permitting thresholds are reduced. A permit is required in sensitive areas, such as lakeshore, when more than 5 cubic yards of soil is moved, or if an area of 500 square feet or more is disturbed. The threshold is double these amounts for other areas. Language has been added for escrow and the City's ability to use that security for corrections not made in a timely manner.

Section 203.080(B), *Erosion Control Agreement*:

The form used for erosion control on small residential projects is outdated. It is proposed that the more formal full Erosion Control Agreement used for full site developments also be used in all projects. It better outlines the applicant's responsibilities and the City's enforcement procedures. An escrow is required for land disturbance that can be used by the City to make sure the work is done properly.

Section 212.020, *Building Permits*:

This section adds the Erosion and Sediment Control Plan to the requirements for a building permit application.

The Environmental Quality Committee (EQC) met jointly with the Planning Commission in January to discuss these changes. Comments from that meeting have been incorporated. Notice of the public hearing was published. To date, there have been no comments. Staff is recommending approval.

Chair Proud opened the public hearing. There were no comments or questions.

MOTION: by Commissioner Mons, seconded by Commissioner Wenner to close the public hearing.

ROLL CALL: Ayes - 7 Nays - 0

Noting the reference to "rain gardens" added by the EQC, Commissioner Mons requested that the term be properly defined. Mr. Warwick stated that "rain gardens" is a term now used and defined in the Minnesota Storm Water Manual, and so that definition is incorporated by reference in the proposed amendment.

MOTION: by Commissioner Solomonson, seconded by Commissioner Feldsien to recommend the City Council approve the text amendments to Chapter 200 of the Municipal Code pertaining to erosion and sediment control. The amendments are intended to insure that the Municipal Code reflects the City policies for protecting surface water.

The recommendation is based on the following findings:

1. The City's 2008 Comprehensive Plan and 2005 Surface Water Management Plan identify erosion and sediment control as an important facet of pollution prevention, reducing phosphorous discharge to surface waters, and retaining capacity of the storm water management infrastructure of the City.

- Kathleen Nordine
City Planner